

Ordinance 03-20

**AN ORDINANCE OF THE TOWN OF WESTFIELD FOR ADOPTION OF THE
WESTFIELD PUBLIC WORKS
“WASTEWATER SERVICE RULES AND REGULATIONS”**

WHEREAS, The Town of Westfield, Indiana, Hamilton County is governed by a duly elected town council; and

WHEREAS, the Town Council recognizes the need for rules and regulations to effectively administer the Water Service of the Westfield Public Works department.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT:

Section 1, The Westfield Town Council hereby adopts the Town of Westfield Public Works Department Wastewater Service Rules and Regulations as defined in Exhibit “A”

Section 2. The actions of the town staff working under these Rules and Regulations are to be deemed in conformity with town policy.

Section3. Any current Town policy in effect contrary to these Rules and Regulations shall be deemed void. Any portion of the Rules and regulations that may be later deemed invalid shall not effect the remaining provisions.

Section 4. This ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the Town Council, its publication in accordance with law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered repealed.

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HAMILTON COUNTY, INDIANA
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ORDINANCE 53.00

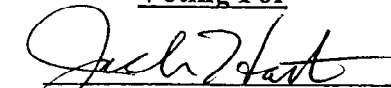
ADOPTED THIS 13 DAY OF Oct, 2003 BY
THE WESTFIELD TOWN COUNCIL.

WESTFIELD TOWN COUNCIL

Voting For

Voting Against


Abstain



Jack Hart

Jack Hart

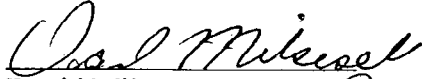
Jack Hart



Teresa Otis-Skelton

Teresa Otis-Skelton

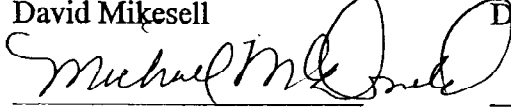
Teresa Otis-Skelton



David Mikesell

David Mikesell

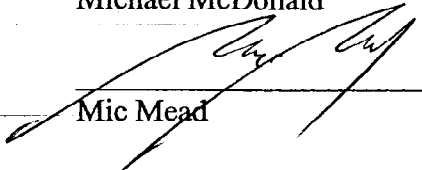
David Mikesell



Michael McDonald

Michael McDonald

Michael McDonald




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ATTEST:



Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

ARTICLE 1 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the following terms, if used in this Ordinance, shall be as follows:

101. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters, or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods", as defined in Paragraph 140.
102. "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys it to a point approximately five feet outside the foundation wall of the building.
103. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or House) drain at the point approximately five feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.
104. "Chemical Oxygen Demand" (or COD) of sewage, sewage effluent, polluted waters, or industrial wastes is a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
105. "Town" shall mean the Town of Westfield, Indiana, or any duly authorized officials acting in its behalf.
106. "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
107. "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include: (a) chemical oxygen demand, (b) total organic carbon, (c)

phosphorus and phosphorus compounds, (d) nitrogen and nitrogen compounds, and (e) fats, oils, and grease of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

108. "Composite Sample" shall mean a wastewater sample that consists of equal portions by volume of grab samples taken at hourly intervals over a period of 24 hours or daily hours of operation of a specific waste source. However, if the quantity by weight of any considered chemical constituent in any one-hour interval is by weight more than 10% of the total quantity by weight over a 24-hour period of the sample, the composite sampling interval shall be reduced to 15 minutes.
109. "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.
110. "Fecal Coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
111. "Floatable Oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
112. "Garbage" shall mean any solid wastes from the preparation, cooking, or dispensing of food and from the handling, storage, or sale of produce.
113. "Hydrogen Ion Concentration"- see definitions of "pH".
114. "Incompatible Pollutant" shall mean any pollutant which passes through or interferes with the treatment processes or which may contaminate sewage sludge or the receiving stream.
115. "Industrial Waste" shall mean any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow, or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resource carried on by any person as defined in Paragraph 124, exclusive of sanitary sewage as defined in Paragraph 130.
116. "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)

117. “Inflow” shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. (Inflow does not include, and is distinguished from, infiltration.)
118. “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
119. “Inspector” shall mean the person or persons duly authorized by the Town, through the Town of Westfield Public Works Department, to inspect and approve the installation of building sewers and their connection to the public sewer system.
120. “Major Contributing Industry” shall mean an industry that meets anyone of the following: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than 5% of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under 33USC1251; or (4) is found by the permit issuance authority, in connection with the issuance of an NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either alone or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
121. “Normal Domestic Sewage” shall mean sewage discharged from the sanitary conveniences of dwellings, apartment houses, hotels, and motels.
122. “NPDES Permit” shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to 33USC1251.
123. “Outlet” shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake, or other body of surface or ground water.
124. “Person” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
125. “pH” shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gramatoms per liter of solution.

126. "Primary Sewer Main" for purposes of this Ordinance shall mean the public sewer main which is required to transport from the "Secondary Sewer Main.
127. "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
128. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
129. "Receiving Stream" shall mean the watercourse, stream, or body of water receiving the waters finally discharged from the sewage treatment plant.
130. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses, hotels, and motels), office buildings, factories, or institutions and free from storm water, surface water, and industrial wastes.
131. "Secondary Sewer Main" for purposes of this Ordinance shall mean the public sewer main which is required to provide service from a prospective customer to the "Primary Sewer Main."
132. "Service Charge" shall mean the basic charge levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a surcharge will be made.
133. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions, and industrial establishments, singular or in any combination, together with such ground, surface, and storm waters as may be present.
134. "Sewage Treatment Plant" shall mean the arrangement of devices, structures, and equipment used for treating and disposal of sewage and sludge.
135. "Sewage Works" shall mean the organization and all facilities for collecting, transporting, pumping, treating, and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.
136. "Sewer" shall mean a pipe or conduit for carrying sewage or other waste liquids.
- 136.1 "Private Sewer" shall mean a sewer which is not owned by a public authority.

- 136.2 "Public Sewer" shall mean a primary sewer or secondary sewer in which all owners of abutting property have equal rights and which is controlled by the Sewage Works.
- 136.3 "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters and unpolluted industrial wastewaters are not intentionally admitted.
- 136.4 "Storm Sewer" shall mean a sewer which carries storm and surface water drainage but excludes sewage.
137. "Sewerage System" or "Sewage System" shall mean the network of sewers and appurtenances used for collecting, transporting, and pumping sewage to the sewage treatment plant.
138. "Shall" is mandatory; "may" is permissible.
139. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.
140. "Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973.
141. "Surcharge" shall mean the extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the Sewage Works a burden greater than that covered by the basic service charge.
142. "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in "Standard Methods".
143. "Total Revenue" for purposes of this Ordinance shall mean that revenue obtained from monthly minimum billing for the use of and service rendered by the Sewage Works and does not include front foot assessments, permit or inspection fees, or other charges.
144. "Total Solids" shall mean the sum of suspended and dissolved solids.

145. "Town of Westfield Public Works Director or designee" shall mean the person or persons duly authorized by the Town, through the Town, to issue permits, collect fees, inspect and approve the installation of building sewers and their connection to the public sewer system.
146. "Toxic Amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to 33USC1251.
147. "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
148. "Volatile Organic Matter" shall mean the material in the sewage transformed to gases or vapors when heated at 550 degrees centigrade for 15 to 20 minutes.
149. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

ARTICLE II RULES AND REGULATIONS

201. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town of Westfield, Indiana, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.
202. It shall be unlawful to discharge to any natural outlet within said Town, or in any area under the jurisdiction of said Town, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
203. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and the NPDES Permit.
204. Except as hereinafter provided in Paragraphs 248 to 261, inclusive, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
205. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, provided that said public sewer is within 300 feet of the property line. Said connection shall be made within thirty (30) days from the date the public sewer is made available.
206. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit and depositing the appropriate fees with the Town of Westfield Public Works Department Director or designee.
207. No person shall make any connection with the public sewers or drains, or with any extension or connection previously made, without first obtaining a written permit from the Town of Westfield Public Works Department Director or designee.
208. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner of the property shall be responsible for the cost of the hook-on from the building to the sewer line along

with the cost of connection and availability. The owner or the person installing the building sewer for said owner shall indemnify said Town from any loss or damage that may directly or indirectly be occasioned by said installation. Maintenance of the building sewer on private property shall be the responsibility of the property owner and not the Town.

209. A separate and independent building sewer shall be provided for every building; except where two buildings are in close proximity and no private sewer is available or can be constructed to the second building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the second building and the whole considered as one building sewer.
210. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this Ordinance.
211. Building sewers shall be constructed per the latest version of the Town of Westfield Utility and Infrastructure Construction Standards Manual.
212. The size and slope of building sewers shall be subject to the approval of the Inspector, but in no event shall the diameter be less than six inches for single family or duplex residential units and not less than six inches for all other uses. The slope of such six inch pipe shall be not less than one-eighth (1/8) inch per foot (1%).
213. The building sewer shall be brought to the building at an elevation a minimum of three feet above the basement floor. All building sewers shall have a check valve installed on the building side of the sanitary sewer cleanout. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings. The building sewer shall have a number twelve (#12) gauge tracer wire installed from the sewer main to the house cleanout and brought to grade.
214. In all buildings in which any building sanitary sewer drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.
215. All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with ASTM specifications applicable to the type of pipe being used, except that no backfill shall be placed

until the work has been inspected by the Inspector or his representative.

216. All joints and connections shall be made gastight and watertight per the latest version of the Town of Westfield Utility and Infrastructure Standards and Specifications Manual
 - 216.1 Other jointing materials and methods may be used only upon the approval of the Town of Westfield Public Works Department Director or designee.
217. The connection of the building sewer into the public sewer shall be made at the “Y” branch or “Tee” connection, if such branch is available at a suitable location. If the public sewer does not have a properly located “Y” branch or “Tee” connection, the owner shall at his expense install an approved tapping saddle in the public sewer at the location specified by the Town of Westfield Public Works Department Director or designee. The tapping saddle shall be installed in a neatly tapped hole cut into the public sewer; said connection between the tapping saddle and public sewer shall be secured by the use of epoxy compound or other approved sealant. The centerline of the building sewer at the tapping saddle shall be at or above the centerline of the public sewer but not in the top. A smooth, neat joint shall be made and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the Town of Westfield Public Works Department Director or designee. If the public sewer is damaged during the installation of a building sewer, it shall be repaired to the satisfaction of the Town of Westfield Public Works Department Director or designee at no cost to the Town.
218. The applicant for the building sewer permit shall notify the Inspector 48 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.
219. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the latest version of the Town of Westfield Public Works Utility and Infrastructure Construction Standards.
220. Any connection made contrary to the provisions of this article shall be removed when required by the Town of Westfield Public Works Department Director or designee.
221. No proposed connection or inlet shall be permitted, if in the opinion of the

the Town of Westfield Public Works Department Director or designee, such inlet and connection would overburden such sewer. All opinions shall be validated by sound engineering judgement.

222. Storm water and any other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town of Westfield Public Works Department Director or designee. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Town of Westfield Public Works Department Director or designee and the State of Indiana into a storm sewer or natural outlet. No sump pumps, roof drains, eaves or roof runoff shall be discharged into a sanitary sewer.
223. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers;
 - 223.1 Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive or explosive liquid, solid or gas.
 - 223.2 Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - 223.3 Any waters or wastes having a pH lower than 5.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - 223.4 Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
224. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, except if it appears likely in the opinion of the Town of Westfield Public Works Department Director or designee that such wastes will not harm either the sewers, sewage treatment process or equipment, nor have an adverse effect on the receiving stream, nor can otherwise endanger life, limb, public property, nor constitute a nuisance. In forming their opinion, as to the acceptability of these wastes, the Town of Westfield Public Works Department Director or designee will give consideration to such factors as the quantities of subject wastes in relation to

flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. Included but not limited to, the substances not acceptable are the following:

- 224.1 Any liquid or vapor having a temperature higher than 150 degrees F, 65 degrees C.
- 224.2 Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100mg/1 of which not more than 25 mg/1 is soluble oils, or containing substances which may solidify or or become so highly viscous as to retard flow in the sewer system at temperatures between 32 degrees F and 150 degrees F (0 degrees and 65 degrees C).
- 224.3 Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (other than in a residence) may be subject to the review and approval of the Town of Westfield Public Works Department Director or designee.
- 224.4 Any waters or waters containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- 224.5 Any water or wastes exceeding the following maximum allowable limits:

Parameter	Instantaneous Grab Sample (mg/1)	(Composite Samples) Daily Maximum Concentration (mg/1)	(Average of Composite Samples) 30 Day Average Concentration (mg/1)
Cyanide (Amendable)	0.40	0.20	0.08
Cyanide (Total)	1.28	0.64	0.24
Chromium (VI)	0.50	0.25	0.09
Chromium (Total)	8.4	4.2	1.6
Copper	4.0	2.0	1.0
Nickel	7.2	3.6	1.8
Zinc	6.8	3.4	1.5
Lead	1.6	0.8	0.4
Cadmium	2.0	1.0	0.5
Tin	4.0	2.0	1.0
Fluoride	60.0	30.0	30.0

Also other similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degrees that

any such material received in the composite sewage at the treatment works exceeds the limits established by the Director for such materials.

224.6 Any waters or wastes containing phenols or other taste or odor-producing substances after treatment of the composite sewage, in such concentrations exceeding limits which may be established by the Director as necessary to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the respective waters.

224.7 Any radioactive material in excess of limits established by State and Federal law.

224.8 Any waters or wastes having a pH of less than 5.0 or in excess of 9.0.

224.9 Materials which exert or cause:

224.9 (1) Unusual concentrations of inert, suspended solids (such as but not limited to Fullers earth, lime slurries and lime residues), or dissolved solids (such as but not limited to sodium chloride and sodium sulfate).

224.9 (2) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).

224.9 (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.

224.9 (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

224.10 Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

225. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in Paragraph 224 hereinabove and which in the judgment of the Town of Westfield Public Works Department Director or designee may have a deleterious effect upon the sewage works, processes,

equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town of Westfield Public Works Department Director shall:

- 225.1 Require new industries or industries with significant increase in in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
 - 225.2 Require other methods of disposal; and/or
 - 225.3 Require pretreatment to an acceptable condition for discharge to the public sewers/ and/or
 - 225.4 Require control over the quantities and rates of discharge; and/or
 - 225.5 Require facilities to prevent accidental discharge of any unacceptable wastes; and
 - 225.6 Require payment to cover the added cost of handling and treating the the wastes not covered by sewer charges and any fines, penalties or damages assessed against the Town for discharge of such wastes.
226. If the Town of Westfield Public Works Department Director or designee permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the requirements of all applicable codes ordinances and laws.
227. Any industrial wastes discharges into the public sewers shall be subject to periodic inspection and determination of volume, character and concentration. the examination shall be made as often as the Town of Westfield Public Works Department Director or designee deems it necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Every care shall be exercised in collecting the samples to insure their preservation, until analyzed in a state comparable to that at the time the samples were collected.
228. The installation, operation and maintenance of the flow measuring and sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Town of Westfield Public Works Department Director or designee.
229. The Town of Westfield Public Works Department Director or designee and/or the State water pollution control employees, and U.S. Environmental Protection Agency employees bearing proper credentials and identification

shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Town of Westfield Public Works Department Director or designee and U.S. EPA employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

230. It shall be the duty of such industrial user to provide all necessary clearance before entry the of Town of Westfield Public Works Department Director or designee and not to unreasonably delay or hinder the Town of Westfield Public Works Department Director or designee in inspection and testing.
231. The Town of Westfield Public Works Department Director or designee and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
232. Fats, grease, oil, and sand interceptors shall be provided when, in the opinion of the Town of Westfield Public Works Department Director or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.
233. Fats, grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight or per the latest version of the Town of Westfield Public Works Utility and Infrastructure Standards and Specifications Manual.
234. Where installed, all fats, grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
235. The admission into the public sewers of any waters or wastes having (a) a five-day Biochemical Oxygen Demand greater than 250 milligrams per liter, or (b) containing more than 250 milligrams per liter of suspended solids, or (c) containing any quantity of substances having the characteristics described in

Paragraph 224, or (d) having an average daily flow greater than 2% of the average daily sewage flow of the Town shall be subject to the review and approval of the Town of Westfield Public Works Department Director or designee. Where necessary in the opinion of the Town of Westfield Public Works Department Director or designee, the owner shall provide at this expense such preliminary treatment as may be necessary to (a) reduce the Biochemical Oxygen Demand to 250 milligrams per liter, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided in Paragraph 224, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town of Westfield Public Works Department Director or designee and of the Stream Pollution Control Board of the State of Indiana and no construction of such facilities shall be commenced until said approval is obtained in writing.

236. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
237. When required by the Town of Westfield Public Works Department Director or designee, the owner of any property served by any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town of Westfield Public Works Department Director or designee. The manhole shall be installed so as to be safe and accessible at all time.
238. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Paragraphs 224 and 235 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in Paragraph 237 or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
239. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern provided, however, that the payment shall not be less than the pollutant surcharges as determined by the Town and all ordinances amendatory thereof and supplemental thereto. Said special agreement shall be

valid only when ratified by a majority of the Westfield Town Council, provided further said agreement must specify the following:

- a. its duration, not to exceed three years;
- b. the permissible method or methods to be employed in accomplishing the partial or complete termination or amendment of the agreement;
- c. its purpose or purposes;
- d. any other necessary and proper matters.

240. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be held financially responsible for any damages done in addition to any other Town or State remedies under criminal stature.

241. Pretreatment of industrial wastes shall, in addition to the terms of this ordinance, be governed by all applicable State and Federal law including, but not limited to, 40 CFR 403, and in addition any other requirements established by the Town and any subsequent State and Federal guidelines and rules and regulations.

242. Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town and the State of Indiana and no construction of such facilities shall be commenced until approval, in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with applicable Federal, State, and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show performance of the treatment facilities and for comparison against Town monitoring records.

243. Unpolluted water from air conditioners, cooling, or condensing systems shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town.

244. Industrial cooling water, which may be polluted with insoluble oils or grease or grease suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above paragraph.
245. The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, test, and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the town.
- 245.1 Compliance Determination. Compliance determinations with respect to prohibitions and limitations of the Sewer Use Ordinance may be made on the basis of either instantaneous grab samples or composite samples of wastewater.
- 245.2 Sample Frequency. Sampling of the industrial wastewater for the purpose of compliance determination with respect to this ordinance and its prohibitions and limitations shall be done at such intervals as the Town of Westfield Public Works Department Director or designee may determine.
246. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town of Westfield Public Works Department Director or designee may elect, or at any place mutually agreed upon between the user and the Town of Westfield Public Works Department Director or designee. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the Town of Westfield Public Works Department Director or designee.
247. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.
248. Where a public sanitary or combined sewer is not available under the provisions of Paragraph 205, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Paragraphs 249 to 260, inclusive.
249. At any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the Town, where there

is installed a water carriage sewage disposal system which is not connected to a proper public sewer system, there shall be established, installed, or constructed and maintained at no expense to the Town a private sewage disposal system which shall comply with the recommendations of the Indiana State Board of Health.

250. At any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the Town, where there is installed a privy, said privy shall be of the sanitary type and shall be constructed and maintained at no expense to the Town to comply with the recommendations of the Indiana State Board of Health. Under no circumstance shall any privy be maintained where said property is within 300 feet of public sewer.
251. No new construction or installation of a combined sewer or privy shall be permitted within the Town
252. Should any defect occur in any private water carriage sewage disposal system or privy which would cause said sewage disposal system or privy to fail to meet the requirements in Paragraphs 249 or 250, the defect shall be corrected immediately by the owner or agent of the owner, occupant or agent of the occupant at no expense to the Town. Failure on the part of the owner or agent of the owner, occupant or agent of the occupant to do so shall be a violation of this article and he shall be subject to the penalties prescribed in Paragraph 261 of this article.
253. Wherever a public sewer becomes available to a house, building or property used for human occupancy, employment, recreation or other purposes, served by a private sewage disposal system or privy as provided for in Paragraph 205, situated within the Town, a direct connection shall be made to the public sewer; and any septic tanks seepage pits, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.
254. Within 30 days after receiving an official order in writing from the Town of Westfield Public Works Department Director or designee, the owner, agent of the owner, the occupant, or agent of the occupant of the property shall comply with the provisions of this article set forth in the official order of the Town of Westfield Public Works Department Director or designee, except as provided for in Paragraph 205. Said official order shall be served on the owner and the occupant, or on the agent of the owner, but may be served on any person who, by contact with the owner, has assumed the duty of complying with the provisions of an official order.
255. Before commencement of construction of a private sewage disposal system, the owner or agent of the owner shall first obtain a written

permit from the Town of Westfield Public Works Department Director or designee. The application for such permit shall be made to the Town of Westfield Public Works Department on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the Town of Westfield Public Works Department Director or designee. A permit and inspection fee in an amount determined by the Town of Westfield Public Works Department shall be paid to the Town of Westfield Public Works Department at the time the application is filed.

256. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town of Westfield Public Works Department Director or designee. The Inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town of Westfield Public Works Department Director or designee when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Town of Westfield Public Works Department Director or designee.
257. No person shall deposit waste products of septic tanks, cesspools, dry well, privies, or other waste disposal system into the sewage disposal system of the Town, except at a point, or points, designated for such deposits by the Town of Westfield Public Works Department Director or designee.
258. Any person depositing any waste products referred to in Paragraph 257 hereof into the sewage disposal system shall pay a fee as established by the Town of Westfield Public Works Department Director or designee to the Town for every 100 gallons of waste products so deposited, payable at the office of the Town of Westfield Public Works Department at such times as designated by the Town of Westfield Public Works Department Director or designee.
259. Every person so depositing waste products referred to in Paragraph 257 hereof into the sewage disposal system shall be subject to inspection by officials designated to make such inspections by the Town of Westfield Public Works Department Director or designee and said persons making such inspection shall have the right to require any person depositing said waste products in the sewage disposal system to meet proper sanitation requirements in the delivery and depositing and of said waste products.
260. All provisions of this Ordinance and limits set herein shall comply with any applicable State or Federal requirements now or projected to be in effect.
261. Violation of any provision of Article II.

- a. Any person who shall violate any provision of this ordinance shall be guilty of an infraction and upon conviction thereof shall be fined in an amount as provided under the Indiana Penal Code. Each day in which such violation shall continue shall be deemed a separate offense.
- b. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.
- c. Nothing in this ordinance shall restrict any right which may be provided by statute or common law to the Town to bring other actions, at law or at equity.

262. The Town shall not be held liable for any failure or delay in performing any of things caused by strike, acts of God, unavoidable accident, or other contingences beyond it's control and in no manner due to its fault, neglect, or omission, nor shall the Town be liable for damage caused by interruption in or failure of service.

263. The Town shall not be liable for the failure, interruption of malfunction, including backup, of its system and service caused by flood, earthquake, high water, war, riot, or civil commotion, vandalism, acts of others, or acts of failure of action by other government agencies.

ARTICLE III
SEVERABILITY AND REPEALING CONFLICTING ORDINANCES

301. Paragraphs and Subparagraphs. The paragraphs and subparagraphs of this Ordinance shall be deemed to be separate and several; and, if any part thereof shall be declared to be invalid, the same shall not affect any other portion.
302. Repeal of Conflicting Ordinances. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE IV
EFFECTIVE DATE

401. Effective Date. This Ordinance 03-21 shall be in full force and effect from and after its passage, approval and publication according to the Laws of the State of Indiana.

Approved and adopted by the Town Council of the Town of Westfield, Indiana, on the _____ day of _____, 200__.

COMMON COUNCIL, TOWN OF WESTFIELD

AYE

NAY

_____	Jack Hart Council President	_____
_____	Mike McDonald	_____
_____	Mic Mead	_____
_____	David Mikesell	_____
_____	Teresa Otis Skelton	_____

APPROVED and signed by the Town Manager of the Town of Westfield, Hamilton County, Indiana, this _____ day of _____, 2003.

ATTEST:

Cindy Gossard, Clerk-Treasurer
Town of Westfield

Jerry Rosenberger
Town Manager
Town of Westfield